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ROSENSTEIN & BIRKENSTOCK, P.C.

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June 9, 2015

Via E-Mail

Jeff S. Jordan, Esq.
Supervisory Attorney
Federal Election Commission
999 E Street, N.W.
Washington D.C. 20463

Re: MUR 6934

Dear Mr. Jordan:

I serve as counsel to Annette Taddeo, Annette Taddeo for Congress and Ralph Patino in his official capacity as Treasurer ("Respondents"). I am writing in response to the Commission's letter dated April 23, 2015, regarding the above referenced matter and enclosing a complaint from Saul Escobar.

In his complaint, Mr. Escobar alleges that Respondents have violated federal campaign finance laws based on the fact that Charlie Crist had sent out one or more emails that indicate support for Respondent's candidacy in connection with her campaign for the House of Representatives in 2016. Contrary to Mr. Escobar's allegations, it is our understanding that the emails sent by Mr. Crist were not sent by Mr. Crist's non-federal campaign committee but rather, by Mr. Crist personally. Under Florida law, the funds and assets of a campaign must be disposed of no later than 90 days of an election and a termination report must be filed with the state. F.S.A. § 106.141. Therefore, after 90 days, it is our understanding that all non-cash assets retained by a campaign become the personal property of the sponsoring candidate. This would include any lists, including email lists, of the campaign.

Therefore, contrary to Mr. Escobar's assertions, it is our understanding that Mr. Crist's emails on behalf of Respondents were not undertaken by Mr. Crist's former 2014 campaign committee but rather, by Mr. Crist personally. Accordingly, Mr. Crist's activities on behalf of Respondents are completely exempt from federal campaign finance regulation in accordance with the Commission's rules regarding Internet activities undertaken by individuals. Those rules

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exempt the sending of any personal e-mails on behalf of any federal candidates from federal contribution limits, reporting requirements, as well as any disclaimer requirements.

The Commission's regulations at 11 C.F.R. §§ 100.94 & 100.155 completely exempt uncompensated Internet activity from the definitions of contribution and expenditure. Such activity includes "sending and forwarding electronic messages..." 11 C.F.R. §§ 100.94(b) & 100.155(b). The exemption includes all technology included in the activities but excludes the payment for the purchase or rental of an e-mail list made at the direction of a political committee. 11 C.F.R. §§ 100.94(c) & (e)(2); 100.155(c) & (e)(2). Respondents did not direct Mr. Crist to purchase or rent any e-mail for the purposes of disseminating any communications on behalf of Respondents and it is our understanding that Mr. Crist had personal ownership of the email list and server used to send the emails on behalf of Respondents. Therefore, Respondents did not receive any undisclosed or excessive contribution from Mr. Crist.

In addition to exempting Mr. Crist's activities from any contribution limits or disclosure, Mr. Crist was not required to provide any disclaimer indicating who paid for the email, or whether the email was authorized by any federal candidate. See Explanation and Justification, *Internet Communications*, 71 Fed. Reg. 18589, 18600-18601 (April 12, 2006).

Even assuming *arguendo* that the Communication was disseminated by Mr. Crist's campaign committee, the emails would not constitute a contribution to Respondents since the email could not be considered a "public communication," and therefore would not be considered a "coordinated communication" that would require an allocation of the costs (if any) of that communication as a contribution to Respondents. See 11 C.F.R. §§ 100.26 & 109.21(b). Since an electronic e-mail is not a "public communication" within the definition of 11 C.F.R. § 100.26, no contribution to Respondents could occur due to the dissemination of these emails. See Statement for the Record of Chairman Scott E. Thomas, Vice Chairman Michael E. Toner, Commissioners David M. Mason, Danny L. McDonald & Ellen Weintraub, MUR 5461 (April 8, 2005).

For the reasons stated above, the Commission must find no reason to believe that Respondents have violated any provisions of the FECA and close the file in this matter.

Respectfully submitted,


Neil Reiff

Counsel for Annette Taddeo, Taddeo for
Congress and Ralph Patino, in his official
capacity as Treasurer

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FEDERAL ELECTION COMMISSION
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STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 6934

Name of Counsel: Neil Reiff

Firm: Sandler, Reiff, Lamb, Rosenstein & Birkenstock, P.C.

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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/8/2015

Date

Signature (Respondent/Agent)

Treasurer

Title

RESPONDENT: Taddeo for Congress and Ralph Patino as Treasurer
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:
(Please Print)

Telephone (H): (W):

E-mail:

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.